



## **AMENDMENTS TO THE CLAIMS**

The following listing of claims will replace all prior versions and listings of claims in the application.

### **LISTING OF CLAIMS**

1. (Cancelled).
2. (Cancelled).
3. (Cancelled).
4. (Cancelled).
5. (Cancelled).
6. (Cancelled).
7. (Cancelled).
8. (Cancelled).
9. (Cancelled).
10. (Cancelled).
11. (Cancelled).
12. (Cancelled).

13. (New) A music data distribution apparatus connected to a network for distributing music data to an external device, the apparatus comprising:

a storage device that stores a plurality of music data;

a first receiver that receives music data distribution request and terminal identification information from the external device connected to the network, wherein the music data distribution request comprises music data identification information for

specifying a desired music and the terminal identification information is information specifying a product type of the external device;

a searching device that searches music data corresponding to the desired music from the plurality of the music data stored in the storage device in accordance with the music data identification information;

a determining device that determines one quality or a plurality of qualities of music data that can be used by the external device for the searched music data in accordance with the terminal identification information;

a first transmitter that transmits information regarding to the determined quality or qualities of the searched music data to the external device;

a second receiver that receives selection information regarding to selection of the quality from the determined quality or qualities of the searched music data from the external device;

a converter that converts the searched music data to music data having the selected quality in accordance with the received selection information; and

a second transmitter that transmits the converted music data having the selected quality to the external device.

14. (New) The music data distribution apparatus according to claim 1, wherein the converter converts the searched music data to music data having the selected quality by reducing a data amount of the searched music data.

15. (New) The music data distribution apparatus according to claim 1, further comprising:

a price determining device that determines a price for the music data in accordance with the quality of the music data; and

a charging device that charges the price determined by the price determining device to a user of the external device for the converted music data having the selected quality to be transmitted by the second transmitter.

16. (New) The music data distribution apparatus according to claim 1, wherein:

the converter further converts a file format of the converted music data having the selected quality to a file format that the external device can reproduce; and

the second transmitter transmits the converted music data having the selected quality in the reproducible file format to the external device.

17. (New) The music data distribution apparatus according to claim 4, further comprising:

a price determining device that determines a price for the music data in accordance with the quality and the file format of the music data; and

a charging device that charges the price determined by the price determining device to a user of the external device for the converted music data having the selected quality in the reproducible file format to be transmitted by the second transmitter.

18. (New) The music data distribution apparatus according to claim 4, wherein the file format of the music data stored in the storage device is a file format that an electronic musical instrument can reproduce, and the file format of the music data to be transmitted to the external device is a file format that a mobile phone can reproduce.

19. (New) The music data distribution apparatus according to claim 1, further comprising a price determining device that determines a price for the music data having the determined quality or each of qualities of the music data, and wherein

the information transmitted by the first transmitter further comprises information regarding to the price or prices determined by the price determining device.

20. (New) A music data distribution method for distributing music data to an external device via a network, the method comprising the steps of:

(a) receiving a music data distribution request and terminal identification information from the external device connected to the network, wherein the music data distribution request comprises music data identification information for specifying a desired music and the terminal identification information is information specifying a product type of the external device;

(b) searching music data corresponding to the desired music from a plurality of the music data stored in a storage device in accordance with the music data identification information;

(c) determining one quality or a plurality of qualities of music data that can be used by the external device for the searched music data in accordance with the terminal identification information;

(d) transmitting information regarding to the determined quality or qualities of the searched music data to the external device;

(e) receiving selection information regarding to selection of the quality from the determined quality or qualities of the searched music data from the external device;

(f) converting the searched music data to music data having the selected quality in accordance with the received selection information; and

(g) transmitting the converted music data having the selected quality to the external device.

21. (new) A program which a computer executes to realize a music data distribution process for distributing music data to an external device via a network, comprising the instructions for:

(a) receiving a music data distribution request and terminal identification information from the external device connected to the network, wherein the music data distribution request comprises music data identification information for specifying a desired music and the terminal identification information is information specifying a product type of the external device;